1   SEAN A. LINCOLN (State Bar No. 136387)
    salincoln@orrick.com
2   I. NEEL CHATTERJEE (State Bar No. 173985)
    nchatterjee@orrick.com
3   MONTE COOPER (State Bar No. 196746)
    mcooper@orrick.com
4   THERESA A. SUTTON (State Bar No. 211857)
    tsutton@orrick.com
5   YVONNE P. GREER (State Bar No. 214072)
    ygreer@orrick.com
6   ORRICK, HERRINGTON & SUTCLIFFE LLP
    1000 Marsh Road
7   Menlo Park, CA 94025
    Telephone: 650-614-7400
8   Facsimile: 650-614-7401

9   Attorneys for Plaintiffs
    THE FACEBOOK, INC. and MARK ZUCKERBERG

10

11   UNITED STATES DISTRICT COURT

12   NORTHERN DISTRICT OF CALIFORNIA

13   SAN JOSE DIVISION

14

15 THE FACEBOOK, INC. and MARK   Case No. 5:07-CV-01389-JW
    ZUCKERBERG,
16   **[PROPOSED] FORM OF RELEASE
                 Plaintiffs,   OF CLAIMS BY FACEBOOK, INC.
17   AND MARK ZUCKERBERG**
          v.
18
    CONNECTU, INC. (formerly known as
19 CONNECTU, LLC), PACIFIC
    NORTHWEST SOFTWARE, INC.,
20 WINSTON WILLIAMS, and WAYNE
    CHANG,
21
                 Defendants.
22

23

24

25

26

27

28

OHS West:260469439.2

[PROPOSED] RELEASE OF CLAIMS
5:07-CV-01389-JW

1   This Release of Claims ("Release") shall be effective upon approval by the Court in

2 *Facebook, Inc. and Mark Zuckerberg v. ConnectU, Inc., et al*, Case No. 5:07-cv-01389-JW (the

3 "Effective Date").

4   1.   Facebook, Inc. for itself and its current and former officers, directors, partners,
limited partners, agents, attorneys, servants, employees, independent representatives,

5 shareholders, predecessors, successors, assigns, affiliates, parent and subsidiary corporations, and
any and all persons, firms, corporations and partnerships which they control or which claim

6 through them, and each of their legal assigns, hereby releases, acquits, covenants not to sue, and
forever discharges ConnectU, Inc., Tyler Winklevoss, Cameron Winklevoss, Divya Narendra,

7 and their current and former officers, directors, partners, limited partners, agents, attorneys,
servants, employees, independent representatives, shareholders, predecessors, successors, assigns,

8 affiliates, parent and subsidiary corporations, and any and all persons, firms, corporations and
partnerships which they control or which claim through them, of and from any and all claims,

9 liabilities, demands, causes of action, costs, expenses, attorneys' fees, damages, indemnities and
obligations of every kind and nature, in law, equity or otherwise, known and unknown, suspected

10 and unsuspected, disclosed and undisclosed, that were, or could have been asserted in the
Lawsuits.

11

12   2.   Mark Zuckerberg, for himself and his current and former partners, limited
partners, agents, attorneys, servants, employees, independent representatives, assigns, affiliates,

13 and any and all persons, firms, corporations and partnerships which he controls or which claim
through him, and each of their legal assigns, hereby releases, acquits, covenants not to sue, and

14 forever discharges ConnectU, Inc., Tyler Winklevoss, Cameron Winklevoss, Divya Narendra,
and their current and former officers, directors, partners, limited partners, agents, attorneys,

15 servants, employees, independent representatives, shareholders, predecessors, successors, assigns,
affiliates, parent and subsidiary corporations, and any and all persons, firms, corporations and

16 partnerships which they control or which claim through them, of and from any and all claims,
liabilities, demands, causes of action, costs, expenses, attorneys' fees, damages, indemnities and

17 obligations of every kind and nature, in law, equity or otherwise, known and unknown, suspected
and unsuspected, disclosed and undisclosed, that were, or could have been asserted in the

18 Lawsuits.

19   3.   Facebook, Inc. and Mark Zuckerberg acknowledge that there are or may be facts
or circumstances related to the matters released in this Release of which they are not aware, and

20 they further acknowledge that they may have suffered or might in the future suffer damages or
other financial or other injury of which they are not aware or do not or cannot anticipate.

21 Facebook, Inc. and Mark Zuckerberg further acknowledge that the facts, circumstances, damages,
or injury, if known or suspected, might affect their willingness to enter into this Release or to

22 agree to the terms set forth herein. Facebook, Inc. and Mark Zuckerberg nonetheless intend to
enter into this Release and to agree to all of the terms set forth herein, and they specifically intend

23 to give the releases set forth herein, notwithstanding the fact that the matters released include or
might include claims based on unknown or unsuspected facts or circumstances or unknown or

24 unsuspected damages or injury. Facebook, Inc. and Mark Zuckerberg intend that the releases set
forth herein will apply to all matters within their scope, known or unknown, suspected or

25 unsuspected except for any claims, rights, actions, or causes of action that arise out of, relate to,
or are connected with the breach of any obligation of any of the Parties under this Release.

1   Facebook, Inc. and Mark Zuckerberg acknowledge that they are familiar with California Civil
2   Code Section 1542, which reads as follows:

3   A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH
        THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS
4   FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF
        KNOWN BY HIM WOULD HAVE MATERIALLY AFFECTED HIS
5   SETTLEMENT WITH THE DEBTOR.

6   Facebook, Inc. and Mark Zuckerberg expressly, knowingly, and intentionally waive and
7   relinquish any and all rights which they have under Section 1542 and any other similar state or
    federal statute, rule, or principle.

8

9   FACEBOOK, INC.   MARK ZUCKERBERG

10

11 By: _____   By: _____

12 Name: _____   Date: _____

13 Title: _____

14 Date: _____

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1

CERTIFICATE OF SERVICE

2

    I hereby certify that this document(s) filed through the ECF system will be sent

3

electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 9, 2008.

4

Dated: July 9, 2008   Respectfully submitted,

5

                                 /s/ Yvonne P. Greer /s/

6

                                 Yvonne P. Greer

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28